**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE SIDE JURISDICTION**

**CRIMINAL REVISION APPLICATION NO. 429 OF 2005**

SDS Shipping Pvt. Ltd. ... Applicant.

Vs.

The State of Maharashtra
and anr. ... Respondents

....

Mr. A. V. Marwadi i/b Milan Bhise and Co. for the applicant.

Ms. A. V. Gajare, APP for the State.

....

**CORAM: S.R. DONGAONKAR, J.**
**DATE : MARCH 8, 2006.**

P.C. :-

1. Heard the counsel for the parties. They have filed an application under Section 147 of Negotiable Instruments Act and referred to the observations of the Supreme Court in - **K. Gyansagar Vs. Ganesh Gupta & Anr., 2006 ALL MR (Cri) 562 (S.C.),** wherein it is observed that-

> "The accused and the complainant are represented through their counsel. A joint application has been filed for compounding the offence under section 147 of Negotiable Instruments Act. In the application it is stated that the amount due has been paid. Necessary figures are disclosed in para 10 of the application for compounding the offence. The application is supported by

affidavits of the accused as well as the complainant. Having regard to the facts and circumstances of the case we are of the view that the parties should be permitted to compound the offence since the parties state that nothing is outstanding from the appellant since the amount due has been paid in full.

We, therefore, permit the parties to compound the offence and set aside the conviction of the appellant. the appeal is allowed.

2. The State has nothing to say. The complainant and original accused no.1 state that the matter has been compounded with their consent and the judgment of conviction dated 8th October 2003 passed by the learned Metropolitan Magistrate 16th Court, Ballard Pier, Mumbai in C.C. No. 194/S/2003, confirmed in Criminal Appeal No. 265/2005 by the learned Sessions Judge by his judgment dated 8-12-2005 , be quashed and applicant be acquitted.

3 In view of the observations of the Supreme Court referred above and as State has nothing to say, the prayer is allowed. The conviction and sentence of the accused/appellant are set aside as offences are compounded.

4 The relief in terms of prayer Cl. (c) of the application is allowed.

The petition is disposed of.

**( S. R. DONGAONKAR, J.)**